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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,423

07/05/2006

Colin Richard Carbis

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BACON & THOMAS, PLLC

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ALEXANDRIA, VA 22314-1176

EXAMINER

MEHMOOD, SEHAR BEENA

ART UNIT

PAPER NUMBER

4118

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DELIVERY MODE

03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,423	Applicant(s) CARBIS ET AL.	
	Examiner SEHAR MEHMOOD	Art Unit 4118	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 10551423.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/30/2005; 1/12/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-18 and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 11, 13, 15, 17, 21, 23, and 25 recite the limitation "the treatment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12, 15-18, 23-27, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamson (US 6,425,764).
6. Regarding Claims 1 and 6, Lamson discloses a method for inducing hypnosis in a patient in a partially or fully immersive virtual reality environment comprising subjecting said patient to verbal suggestion and visual images shown by a two or three dimensional display device (Col 12, lines 39-55; the invention includes all structural elements that can be used for the method).

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7. Regarding Claims 2 and 7, Lamson discloses subjecting said patient to additional auditory stimuli (Col 12, lines 51-53).
8. Regarding Claims 3 and 8, Lamson discloses the two or three dimensional display device is a wide field-of-view display (Col 12, lines 49-51).
9. Regarding Claims 4 and 9, Lamson discloses the wide field-of-view display being a projection screen (Col 12, lines 49-51).
10. Regarding Claims 5 and 10, Lamson discloses the two or three dimensional display device being a head mounted display (Col 12, lines 47-48).
11. Regarding Claims 11 and 12, Lamson discloses the method being used for humans in the treatment of a psychosomatic disease, which includes irritable bowel syndrome, herpes simplex, headache, or stomach cramps (Col 12, lines 65-67; in this case, migraine headache).
12. Regarding Claims 15 and 16, Lamson discloses the method being used for humans in the treatment of a behavioral disorder (Col 13, lines 23-24), which includes attention deficit disorder, attention deficit hyperactivity disorder, post trauma distress disorder, postnatal depression, bulimia, or obesity (Col 7, lines 47-50).
13. Regarding Claims 17 and 18, Lamson discloses the method being used for humans in the treatment of a phobia (Col 13, lines 23-25), including fear of dogs, spiders, snakes, flying, heights, or ships (Col 8, lines 63-66).
14. Regarding Claims 23 and 24, Lamson discloses the method being used for humans in the treatment of mood disorders, including anxiety, panic disorders or depression (Col 13, lines 23-25).

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15. Regarding Claim 25, Lamson discloses the method being used for humans in the treatment of and/or management of pain (Col 12, lines 65-67; in this case, the treatment of pain).

16. Regarding Claim 26, Lamson discloses the method being used to anaesthetize a human for surgical procedures with or without chemical agents (Col 10, lines 63-67; a patient can practice the anaesthetizing procedure with a stimulation of a surgery occurring to alleviate concern a patient might have for the actual surgical procedure).

17. Regarding Claim 27, Lamson discloses the method being used to alleviate boredom (Col 7, lines 60-63; in this case, entertainment is used to alleviate boredom).

18. Regarding Claim 29, Lamson discloses the method being used to improve skill development in sport, work or any other physical endeavor (Col 5, lines 63-67).

19. Regarding Claim 30, Lamson discloses the method being used to motivate humans involved in sport, work, war or any other endeavor that requires motivational modification (Col 5, lines 63-67; with practice comes confidence and confidence can motivate people to do well.).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

22. Claims 13-14, 19-22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamson in view of Sever, Jr. (US 6,057,846).

23. Regarding Claims 13 and 14, Lamson discloses all of the claimed elements except for the method being used for humans in the treatment of a somatic disease, including irritable bowel disease, arthritis, multiple sclerosis or cancer. Sever, Jr. teaches a technique/method in which a virtual reality device is used with hypnosis for reducing cancer cells in a patient's blood (for leukemia in this example). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Lamson to incorporate the technique of treating somatic diseases, such as cancer, as taught by Sever, Jr. in order to utilize a non-invasive process, which can also be less painful to the patient, in treating internal diseases.

24. Regarding Claims 19 and 20, Lamson discloses all of the claimed elements except for the method being used for humans for palliative care, including treating grief or fear of death. Sever, Jr. teaches the virtual reality device can be used with hypnosis to achieve a goal of mental learning and/or mental healing (Col 15, line 5-9). Palliative care, including treating or overcoming grief or fear of death is a mental process that requires either learning and/or healing depending on the patient's prior experiences. Therefore, it would have been obvious to one skilled in the art of the time of the invention was made to modify Lamson to include a hypnosis program for palliative care, as taught by Sever, Jr., in order to provide a process that treats all psychological/psychiatric conditions.

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25. Regarding Claims 21 and 22, Lamson discloses all of the claimed elements except for the method being used for humans to treat trauma or physical injury, including burns, post surgical wounds, puncture wounds, or ulcers. Sever, Jr. teaches a patient is treated from a fractured leg (Col 18, Example 5) or a physical injury via hypnosis or mental visualization in a virtual reality device depicting images that symbolize the physiological mechanisms the body uses to heal itself. Since physical injuries also include wounds, burns and ulcers, along with fractures, it would have been obvious to one skilled in the art at the time of the invention was made to modify Lamson to include a hypnosis program for treating trauma or physical injuries, as taught by Sever, Jr., in order to quicken the healing time and to reduce dependency on medications, such as medications used to decrease pain.

26. Regarding Claim 28, Lamson discloses all of the claimed elements except for the method being used to assist with childbirth with or without chemical agents. Sever, Jr. teaches the virtual reality device can be used with hypnosis to achieve a goal of physical learning, mental learning , physical training, mental training, physical healing , mental healing or any combinations thereof (Col 15, lines 5-9). Assisting in childbirth can range from physical and mental preparation before labor (i.e. physical and mental learning and mental training) to encouragements, comforts and instructions during labor. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Lamson to include a program to assist in childbirth, as taught by Sever, Jr., in order to ease labor and potentially provide a distraction from pain.

Conclusion

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27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jarvik (US 5,577,981), Kitchen et al. (US 5,655,909), Hodges et al. (US 5,807,114), Kanter (US 6,497,577).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEHAR MEHMOOD whose telephone number is (571)270-7857. The examiner can normally be reached on Monday - Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor II can be reached on (571)272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/
Supervisory Patent Examiner
Art Unit 3735

/S. M./
Examiner, Art Unit 4118